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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/731,455

12/07/2000

Gordon D. Ford

86520/DAN

1279

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03/08/2006

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EXAMINER

GIBBS, HEATHER D

ART UNIT

PAPER NUMBER

2627

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/731,455	Applicant(s) FORD ET AL.	
	Examiner Heather D. Gibbs	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7, 8, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 17 and 18 is/are allowed.
- 6) ☒ Claim(s) 7-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. The amendment filed on 12/13/05 has been entered and made of record.

***Response to Arguments***

2. Applicant's arguments, see Pages 6-7, filed December 13, 2005, with respect to Claims 1-4, 17-18 have been fully considered and are persuasive. The rejection of June 16, 2005 has been withdrawn.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Hirata (US 5,210,600).

Hirata teaches a system for distinguishing between a positive film type and a negative film type that each exhibit a red, a green, and blue illumination characteristic of a photographic film, comprising: a scanner 40, including a sensor operable to detect the red, the green, and the blue (Col 9 Lines 37-42); an analog output 226 from the sensor indicative of the red, the green, and the blue (Col 5 Lines 37-43); an analog-to digital

converter 235, connected to the sensor, for receiving the analog output; a digital output from the analog-to-digital converter, connected to the analog-to-digital converter (Col 5, Lines 43-47); a microprocessor system 240, including a microprocessor and a memory, connected to the digital output; a logic module, connected to the microprocessor system, wherein the logic module determines relative densities of the red, the green, and the blue (Col 7 Lines 29-64) and determines orange bias levels high enough to represent only a negative film type in order to distinguish between a positive film type and a negative film type (Col 7: Line 57-64); and a controller connection 634, connected to the microprocessor system and the scanner, reactive to relative densities determination and orange bias level determinations by the logic module to trigger the scanner to implement a setting of the scanner to treat a photographic film as a positive film type or a negative film type (Fig 9; Col 9 Line 41-Col 11 Line 47).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hirata (US 5,210,600) and Usami (US 5,489,997).

For claim 8, Hirata fails to disclose wherein the logic module compares the relative densities to determine that a photographic film is a negative film type, if the

relative densities in an 8-bit system are: red greater than 150; green greater than 75; and blue less than 50; and the control connection signals the scanner to treat a photographic film as a negative film type.

Usami discloses wherein the logic module compares the relative densities to determine that a photographic film is a negative film type, if the relative densities in an 8-bit system are: red greater than 150; green greater than 75; and blue less than 50; and the control connection signals the scanner to treat a photographic film as a negative film type (col. 4, lines 44-53).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to consider that the predetermine values discloses in Usami could comprise of the red being greater than 150, the green being greater than 75, and the blue being less than 50. It also would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the image processing apparatuses of Hirata and Usami because both teach image processing apparatuses which determine whether a film is a positive or negative. The improvement on Hirata by Usami would allow for a predetermine range to be used when determine the type of film.

***Allowable Subject Matter***

7. Claims 1-4,17-18 are allowed.
8. The following is a statement of reasons for the indication of allowable subject matter: The Examiner has found neither prior art cited in its entirety, nor based on the prior art found any motivation to combine any of the said prior art which teaches a

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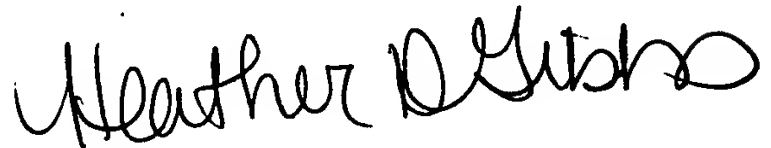
method for scanning a photographic film that may be a positive or negative film type with the **steps** successively comparing color densities to a standard range and triggering the scanner to treat the photographic film as a negative film type automatically when the color densities are within the standard range and to otherwise treat the photographic film as a positive film type when the color densities are not within the standard range (Claims 1, 17-18).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Heather D Gibbs  
Examiner  
Art Unit 2627

hdg



THOMAS D. LEE